

File Date: 2-11-2008

Case No: OBcv 939

ATTACHMENT # 1

EXHIBIT _____

TAB (DESCRIPTION)

Proceedings from 1/5/2005

To: Clerk- of- Court
INclosed- are- All-
Court- proceeding
IN- The- Cook-
County- Circuit
Court- for- The
Judge. From- Fed-
~~27th~~ 27th- 2004- UNTIL
Fed- 4th- 2005

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
 Plaintiff,)
 vs.) Case No. 04 CR 5900
)
DWAYNE GRIFFIN,)
)
 Defendant.)

REPORT OF PROCEEDINGS had
before the Honorable Sharon Sullivan, Judge of
said Court, on the 5th day of January, 2005.

APPEARANCES:

HON. RICHARD DEVINE,
State's Attorney of Cook County, by:
MS. STEPHANIE CALLAS,
MS. LORI SCHULTZ,
Assistant State's Attorney,
appeared on behalf of the People;
MR. DWAYNE GRIFFIN appeared pro se.

ROSEMARY STEPHENS, CSR, #84-2515
Official Court Reporter
5600 Old Orchard Road, Room 204
Skokie, IL 60077

I N D E X

PEOPLE VS. DWAYNE GRIFFIN

DATE: JANUARY 5, 2005

PAGES: 0-1 to 0-85

JURY SELECTION

1 THE CLERK: Dwayne Griffin.

2 THE COURT: Mr. Griffin is before the
3 court. Sir, the case was held to today for
4 trial. State, you are ready for trial?

5 MS. CALLAS: Yes, Judge, we are.

6 THE COURT: Mr. Griffin, you are also
7 ready?

8 THE DEFENDANT: Yes, ma'am, but let it be
9 known for the record, I still don't have the
10 arrest report.

11 THE COURT: State, I believe you tendered
12 the arrest report on several court dates, most
13 recently including January 3.

14 MS. CALLAS: Correct.

15 THE COURT: Mr. Griffin, I notice that you
16 are in your Department of Corrections uniform.

17 THE DEFENDANT: Yes, ma'am, I ain't going to
18 change clothes.

19 THE COURT: The Public Defender might have
20 civilian clothes.

21 THE DEFENDANT: I don't want them.

22 THE COURT: Sir, any preliminary matters
23 before we begin with jury selection?

24 THE DEFENDANT: Well, just so the Court knows

1 I do not have a copy of the arrest report, you
2 know, the one with the police, with their
3 signature. I don't have a copy of it that they
4 want to use on the street. I know they used one
5 with the signature. I don't have that one but I
6 am going to pick the jury without the arrest
7 report, so I am ready.

8 MS. CALLAS: One moment please.

9 THE COURT: The State made a copy two days
10 ago of the discovery copy. That was put in the
11 Court file.

12 MS. CALLAS: The arrest report was given to
13 the defendant consisting of 5 pages, a computer
14 generated report the report that you are looking
15 for. The one page report is no longer being
16 generated in this police district. This is what
17 it looks like now. In some police districts they
18 still have the one page but in this case there is
19 not.

20 THE DEFENDANT: When I put the police on the
21 stand, they got to be under oath and tell me
22 that. I want that on the record. I am ready.
23 Let's go.

24 THE COURT: I need a list of witnesses,

1 State. Mr. Griffin, is there any witnesses that
2 you might call?

3 THE DEFENDANT: No. Call your witnesses. I
4 am ready.

5 THE COURT: Let me explain to you at 1:00
6 o'clock we are going to bring the jurors up
7 here. We are going to do jury selection.

8 THE DEFENDANT: The first 12 that sit down.
9 That's all I need. Come on.

10 THE COURT: Let me explain to you there's a
11 process of jury selection.

12 THE DEFENDANT: I know the process.

13 THE COURT: Let me explain what I am going to
14 do. Each judge does it differently. I am going
15 to fill in the jury box, address all of the
16 jurors. I am going to explain to them the case
17 that's before the Court. I am going to tell them
18 the name of the case, explain the charge. I am
19 going to tell them how the case is going to
20 proceed. Many of them have never been in a
21 courtroom, have never participated in a trial.

22 I will then set 14 jurors in the jury
23 box. The clerk will call those names, and I will
24 question those jurors. Each side then will have

1 an opportunity to question jurors. If you choose
2 you can either write questions down that I can
3 ask or you can have an opportunity to ask any
4 additional questions. Both the State and I have
5 that opportunity pursuant to the Supreme Court
6 rules. After all 14 jurors have been questioned,
7 we will take a recess and we will then go through
8 the jurors and we will go through them in the
9 order in which they are seated and we can accept
10 or reject them. Each side has 7 peremptory
11 challenges they can use. Once we have a jury
12 selected, we will begin with the evidence.

13 MS. CALLAS: Judge, I'd like to do an oral
14 Motion in Limine right now that the defendant be
15 told that he is not allowed to mention in front
16 of the jury at any time that he was offered 2
17 years on a reduced charge of Class 3 theft. He
18 also is not allowed to mention that he is Class X
19 mandatory by background if convicted of this
20 charge facing a minimum of 6 years and a maximum
21 of 30. I would like the defendant to be banned
22 from mentioning he received 11 years on his last
23 burglary. I would like the defendant to be told
24 that he is not allowed to tell the jury any of

1 his prior sentence on any of his prior cases.

2 THE DEFENDANT: Can the jury know that the
3 Appellate Court reversed the burglary she is
4 talking about? I got copies.

5 THE COURT: That's not relevant in this
6 case.

7 MS. CALLAS: I make a motion that be barred
8 as well.

9 THE COURT: That is barred. Sir, so you
10 know, you are not to mention any agreement or
11 discussions you have had with the State regarding
12 plea agreements. Sentencing is an issue that
13 comes only if you are found guilty and is not an
14 issue.

15 THE DEFENDANT: I ain't going to be found
16 guilty.

17 THE COURT: You are not to mention any other
18 cases or appellate court cases to the jury. The
19 State's Motion in Limine is granted. That means
20 you are not to mention those things to the jury.

21 THE DEFENDANT: All right. I won't mention
22 it. I am ready.

23 THE COURT: It's 1:00 o'clock. The jurors
24 should be ready. We will proceed with jury

1 selection.

2 THE DEFENDANT: The arrest report given to me
3 is okay but you and the State's Attorney, I gotta
4 present this to the jury that I don't have a copy
5 of that because whoever is going to give
6 statements, I got to set this before them and ask
7 them is this the arrest report they use on the
8 street when they arrest somebody what they gave
9 me. This is evidence, correct?

10 THE COURT: I am not sure what your question
11 is.

12 THE DEFENDANT: The arrest report that they
13 say they gave to me, do you understand what I am
14 saying?

15 THE COURT: They gave you a 5-page document
16 which they call an arrest report which is
17 computer generated.

18 THE DEFENDANT: But it has no signature on
19 it. So I just want to let you know that I want
20 to have the jury, to make them aware that I don't
21 have that but you gave this to me.

22 THE COURT: I don't know what whether that
23 issue is relevant or not in the case.

24 THE DEFENDANT: It's very relevant because if

1 its not relevant, then this is false evidence
2 that I am receiving.

3 THE COURT: The evidence is going to come
4 from the witnesses who testify.

5 THE DEFENDANT: So I can use this?

6 THE COURT: I don't know, sir. You just
7 can't show the jury or the witness a document.
8 There's certain rules that have to be followed.
9 It depends on what their testimony is.

10 THE DEFENDANT: This is documentation that's
11 been given to me.

12 THE COURT: Do you intend to use this to
13 impeach the witness, you may if appropriate.

14 THE DEFENDANT: I got 12 copies for the jury
15 of the pictures. Because on here one window is
16 busted, then 2 windows is busted. This is
17 evidence that I want to present to the jury.

18 MS. CALLAS: We have the actual photographs
19 that the defendant is showing you. I would like
20 to point out on page 3 of 5 on the arrest report,
21 the third box from the bottom indicates by the
22 attesting officer, "I hereby declare that the
23 facts stated herein are accurate to the best of
24 my knowledge, information and or belief." The

1 attesting officer is Officer Prill (phonetic.)
2 Star No. 15774. That has now taken the place of
3 the signatures you are talking about on the old
4 one page arrest reports.

5 THE DEFENDANT: When did that come into
6 effect?

7 MS. CALLAS: Within the last year or two.
8 They are slowly getting rid of that. That one
9 page does not exist. They don't have it.

10 THE DEFENDANT: Okay, good. Then that's good
11 on my behalf. Okay. Thank you. That's all I
12 need to know.

13 THE COURT: We are ready for the jury. The
14 deputies will call for the jury. As soon as the
15 jury is here, we will call for the defendant.

16 The defendant is present. Everybody
17 ready for the jury.

18 MS. CALLAS: Yes.

19 THE COURT: Please stand while they bring
20 the jurors in.

21 Good afternoon, I am judge Sharon
22 Sullivan. I thank you for your presence here
23 today. I know you come from different parts of
24 the county. You have different jobs and family

1 responsibilities that you had to set aside today
2 to be here in response to your summon for jury
3 service.

4 We are called upon very infrequently
5 to do something, and jury service is one of the
6 times in which you are called upon to do
7 something. So I appreciate your presence here
8 today. I know it's a difficult day to travel,
9 given the snow out there. So I certainly
10 appreciate what you have gone through to be here
11 today.

12 The case that is ready for jury trial
13 at this time is the People of the State of
14 Illinois versus Dwayne Griffin and the People of
15 the State of Illinois in this case are
16 represented by two Assistant State's Attorneys;
17 Ms. Stephanie Callas and ms. Lori Schultz. The
18 defendant in this case is Mr. Dwayne Griffin. If
19 you want to introduce yourself.

20 THE DEFENDANT: Good evening, ladies and
21 gentlemen.

22 THE COURT: Mr. Griffin is representing
23 himself in this case. Mr. Griffin is charged in
24 a document called an information with the offense

1 of burglary. It alleges that he without
2 authority knowingly entered into a Blockbuster
3 Video located at 1303 North Milwaukee Avenue in
4 Chicago, Cook County, Illinois with the intent to
5 commit a theft. This information that I have
6 read to you is not any evidence against
7 Mr. Griffin. It is simply the formal method by
8 which a defendant is charged with a crime. This
9 is not evidence and must not be considered by you
10 as any evidence of his guilt.

11 In this case there are going to be a
12 number of witnesses who are going to be called
13 in. Shortly we will read those names off to you
14 and ask you if you know any of those people. But
15 at this time we are going to begin with jury
16 selection. I am going to ask the clerk to call
17 14 names and fill in the jury box when the clerk
18 calls your name, fill in the front row first and
19 then the back row and the jurors will be
20 considered in the order in which they are
21 called.

22 THE CLERK: Carlisle Rex-Waller, Kimberly
23 Condon, Gloria Vega, David Burke, Frank Patzke,
24 Ryan Migawa, Leyla Touma, Steven Foster, Cynthia

1 Nolan, Ted Kodama, Annette Dariano, America
2 Farah, Joseph Miklitsch, Jung Kim.

3 THE COURT: At this time I am going to ask
4 all of you jurors, because you are all going to
5 be questioned, to stand and the clerk is going to
6 administer an oath to you to truthfully answer
7 the questions posed to you. Stand and raise your
8 right hand.

9 (Jurors sworn to answer questions.)

10 THE COURT: During the jury selection
11 process, questions are asked of you as
12 prospective jurors not to pry into your
13 background or make you feel uncomfortable. Both
14 sides are looking for jurors who have an open
15 mind and could listen to the evidence in this
16 case and base your decision on the evidence in
17 this case, not on some bias or prejudice that you
18 may have.

19 Mr. Griffin, as all other persons who
20 are charged with a crime, is presumed to be
21 innocent of the charges that bring him here.
22 That presumption cloaks him now at the onset of
23 the trial and will continue to cloak him
24 throughout the course of the proceeding, during

1 that jury selection process, during opening
2 statements and during the evidence and closing
3 arguments and during the instructions of law that
4 I will read and provide to you at the conclusion
5 of the case and on into your deliberations unless
6 and until you individually and collectively are
7 convinced beyond a reasonable doubt that the
8 defendant is guilty.

9 It's absolutely essential that we
10 select this jury and each of you understand and
11 embrace the following fundamental principles that
12 all persons charged with a crime are presumed to
13 be innocent and that it is the burden of the
14 State who has brought the charges to prove the
15 defendant guilty beyond a reasonable doubt. What
16 this means is that the defendant has no
17 obligation to testify on his own behalf or to
18 call any witnesses in his defense. He may simply
19 sit here and rely upon what he may perceive to be
20 the inability of the State to present sufficient
21 evidence to meet their burden. Should that
22 happen, you will have to decide the case on the
23 basis of the evidence presented by the
24 prosecution.

1 The fact that the defendant does not
2 testify must not be considered by you in any way
3 in arriving at your verdict. However, should the
4 defendant elect to testify or present evidence or
5 witnesses, you are to consider that evidence in
6 the same manner and by the same standards as you
7 would the other evidence in the case. The bottom
8 line is that there is no burden upon the
9 defendant to prove his innocence. This is the
10 State's burden to prove him guilty beyond a
11 reasonable doubt. You who are chosen as jurors
12 are what we call the triers of the fact. It will
13 be your job to listen to the evidence to
14 determine the believability or credibility of
15 each of the witnesses and to decide what
16 happened. It will then be your job to apply the
17 law to the facts in this case. I will instruct
18 you on the law at the conclusion of the case by
19 reading to you jury instructions that will
20 accompany you into the jury room. You will take
21 an oath, those of you who are selected as jurors,
22 that you will apply the law that is given to you
23 to the evidence in the case and in that way
24 decides the case.

1 So at this time I am going to ask some
2 questions of those of you who are seated in the
3 jury box first. Certainly those of you who are
4 seated in the back pews, you will also be asked
5 questions. Again, I am not trying to pry into
6 your background. If anybody feels uncomfortable
7 in answering a question for some personal reason,
8 they can certainly indicate that to me and we can
9 make certain arrangements. Although I prefer not
10 to have to do that. But if necessary, we can do
11 that. Let's me just ask all of you, does anybody
12 have a case pending, any lawsuits pending at the
13 present time? Is anybody a party to an accident
14 case or a divorce proceeding? Any type of
15 litigation at the present time?

16 MS. THOMPSON: I am in arbitration.

17 THE COURT: What is your name.

18 MS. THOMPSON: Barbara Thompson.

19 THE COURT: I introduced the attorneys and
20 Mr. Griffin to you. Does anybody know Ms.
21 Callas, Ms. Schultz or Mr. Griffin? No one is
22 indicating. I am going to read off a list of
23 witnesses who may be called to testify in this
24 case. The following are Chicago police officers,

1 Officer Podjgorny, Detective Carabello, Chicago
2 Police Officer Matthew Bloomstand. Officer
3 Prill. Officer Aleese Lee and Yvette Nueva, Jose
4 Padon. Does anybody know any of these persons
5 who may be called to testify in this case? Let
6 me begin with Carlisle Rex-Waller.

7 CARLISLE REX-WALLER,
8 a prospective juror, having been first duly sworn
9 to answer questions, was examined as follows:

10 EXAMINATION

11 BY THE COURT:

12 Q. You live in Wilmette?

13 A. Yes.

14 Q. How long have you lived in that area?

15 A. 25 years.

16 Q. Can you tell us where you work?

17 A. I am a copy editor. I work at home.

18 Q. And are what's your marital status?

19 A. Married.

20 Q. And does your spouse work?

21 A. He works for a company downtown,

22 National Surgical Hospital.

23 Q. What is his position?

24 A. CEO.

1 Q. And you have 2 children. Are they in
2 school?

3 A. One in high school, one college.

4 Q. Have you ever served on a jury before?

5 A. No.

6 Q. Have you ever been a witness in a
7 criminal case?

8 A. No.

9 Q. Ever a complainant in a criminal case?

10 A. No.

11 Q. Ever accused of a crime?

12 A. No.

13 Q. Have any close friends or family
14 members been victims of crimes?

15 A. My sister a very long time ago. I
16 wasn't even sure whether I should put it on
17 there.

18 Q. Do you understand the defendant is
19 presumed innocent of the charges that bring him
20 here?

21 A. Yes.

22 Q. You understand the defendant does not
23 need to call any witnesses or present evidence on
24 his own behalf?

1 A. Yes.

2 Q. He need not testify and if he chooses
3 not to testify, you must not consider that in any
4 way in arriving at your verdict.

5 A. I do.

6 Q. And if he does testify, you understand
7 that you are to consider his testimony in the
8 same manner and by the same standard you would
9 judge the testimony of any other witness?

10 A. I do.

11 Q. You understand it is the State's
12 burden of proving the defendant's guilt beyond a
13 reasonable doubt?

14 A. I do.

15 Q. And if the State fails to meet their
16 burden of proof, would you be able to sign a
17 verdict form of not guilty?

18 A. Yes.

19 Q. And if the State proves the defendant
20 guilty beyond a reasonable doubt, would you be
21 able to sign a verdict form of guilty?

22 A. Yes.

23 Q. Do you have close friends or family
24 who are police officers?

1 A. No.

2 Q. Thank you.

3 KIMBERLY CONDON

4 a prospective juror, having been first duly sworn
5 to answer questions, was examined as follows:

6 EXAMINATION

7 BY THE COURT:

8 Q. You live in Northbrook?

9 A. Yes.

10 Q. How long have you lived in that area?

11 A. Almost 6 years.

12 Q. And can you tell us where you work and
13 what you do?

14 A. I work at Publications International.
15 It's a book publishing company, and I am the
16 manager of the typesetting department.

17 Q. You are married; is that correct?

18 A. Yes.

19 Q. And your husband?

20 A. He is a carpenter and painter. He
21 owns his own business.

22 Q. And have you ever served on a jury?

23 A. No.

24 Q. Have you ever been a witness in a

1 criminal case?

2 A. No.

3 Q. Ever a complainant?

4 A. No.

5 Q. Ever accused of a crime?

6 A. No.

7 Q. Anybody close to you ever victim of a
8 crime?

9 A. Yes.

10 Q. You understand that the defendant is
11 presumed innocent of the charges that bring him
12 here?

13 A. Yes.

14 Q. And you understand that this is the
15 State's burden of proving the defendant guilty
16 beyond a reasonable doubt?

17 A. Yes.

18 Q. You understand that the defendant does
19 not need to prove his innocence?

20 A. Yes.

21 Q. He does not need to call any witness
22 or present any evidence on his own behalf?

23 A. Yes.

24 Q. You understand that if he chooses not

1 to testify, that you must not consider that in
2 any way in arriving at your verdict?

3 A. Yes.

4 Q. If he does testify, you should
5 evaluate his testimony in the same manner and
6 meet the same standards you would the testimony
7 of any other witness?

8 A. Yes.

9 Q. And do you have any close friends or
10 family who are involved in law enforcement?

11 A. No.

12 Q. If the State fails to prove the
13 defendant guilty beyond a reasonable doubt, would
14 you be able to sign a verdict form of not guilty?

15 A. Yes.

16 Q. And if they do prove him guilty beyond
17 a reasonable doubt, would you be able to sign a
18 verdict form of guilty?

19 A. Yes.

20 Q. Thank you,

21 GLORIA VEGA,
22 a prospective juror, having been first duly sworn
23 to answer questions, was examined as follows:

24 EXAMINATION

1 BY THE COURT:

2 Q. Gloria Vega?

3 A. I don't understand a lot of English.

4 Q. What language do you speak?

5 A. Spanish.

6 Q. Have you understood everything that I
7 have said?

8 A. Just some.

9 DAVID BURKE,

10 a prospective juror, having been first duly sworn
11 to answer questions, was examined as follows:

12 EXAMINATION

13 BY THE COURT:

14 Q. David Burke?

15 A. Yes.

16 Q. You live in Elk Grove?

17 A. Actually I moved recently to Morton
18 Grove.

19 Q. How long have you lived in Morton
20 Grove?

21 A. Six months.

22 Q. And can you tell us where you work and
23 what you do?

24 A. I work with Concentra Medical

1 centers. I do sales, occupational medicine.

2 Q. Your marital status?

3 A. I am getting married on Saturday.

4 Q. Congratulations. This trial should be
5 over by then.

6 A. I hope so. I am a little concerned
7 about that.

8 Q. I expect that the evidence in this
9 case will be heard tomorrow. Most of tomorrow
10 will be the day we hear the evidence, and the
11 case may go to the jury tomorrow if not on
12 Friday.

13 A. I may run into problems on Friday. I
14 have family in town and engagements I have to
15 attend.

16 Q. What time are the festivities
17 beginning?

18 A. Probably right around 10:00 o'clock.
19 I have the entire day off from work, and I wasn't
20 anticipating actually getting called but I did
21 want to come and do my jury duty.

22 Q. So if I understand, you wouldn't have
23 any problem with tomorrow but Friday is the day
24 before you are getting married?

1 A. It would kind of pose a small problem.

2 Q. Have you ever served on a jury before?

3 A. Yes.

4 Q. What type of case?

5 A. It was a civil lawsuit in 2001.

6 Q. Did the jury deliberate and reach a
7 verdict?

8 A. Five days at the Daley Center.

9 Q. Five days of trial or deliberations?

10 A. Deliberations in addition to the
11 trial.

12 Q. I can see why you have some concerns.

13 A. Yes.

14 Q. But did the jury ultimately reach a
15 verdict?

16 A. Yes.

17 Q. Have you ever been the victim of a
18 crime?

19 A. Yes.

20 Q. Can you tell us about that?

21 A. My sister was killed in a DUI reckless
22 homicide in 2001. Then there was litigation, and
23 probation was broken and we had to go back and
24 things of that nature.

1 Q. Were you a party to that? Were you
2 involved in that case as a witness?

3 A. No, I was not involved.

4 Q. Would that affect your ability to be a
5 fair juror in this case?

6 A. I don't believe so.

7 Q. You understand that the defendant is
8 presumed innocent of the charges that bring him
9 here?

10 A. Yes.

11 Q. And you understand that he does not
12 need to prove his innocence. He does not need to
13 call witnesses or present any evidence on his own
14 behalf?

15 A. Yes.

16 Q. And do you understand if he chooses
17 not to testify, that you may not consider that in
18 any way in arriving at your verdict?

19 A. Yes.

20 Q. And if he does testify, that you
21 should evaluate his testimony in the same manner
22 and by the same standard you would the testimony
23 of any other witness?

24 A. Yes.

1 Q. And you understand it's the State's
2 burden to prove the defendant guilty beyond a
3 reasonable doubt?

4 A. Yes.

5 Q. And have you ever been a witness in a
6 criminal case?

7 A. No.

8 Q. Ever accused of a crime?

9 A. No.

10 Q. And ever a complainant in a criminal
11 case?

12 A. No.

13 Q. Thank you.

14 FRANK PATZKE,
15 a prospective juror, having been first duly sworn
16 to answer questions, was examined as follows:

17 EXAMINATION

18 BY THE COURT:

19 Q. You live in Arlington Heights?

20 A. Yes.

21 Q. How long have you lived there?

22 A. 15 years.

23 Q. Can you tell us where you work and
24 what you do?

1 A. I am an investment advisor. I have my
2 own firm.

3 Q. And you are married?

4 A. Yes, my wife does the same thing.

5 Q. You have two children?

6 A. Yes.

7 Q. Have you ever served on a jury?

8 A. Twice, grand jury and civil case.

9 Q. And did the jury deliberate and reach
10 a verdict?

11 A. Short and yes.

12 Q. And you understand this is a criminal
13 case, the burden is different in a criminal case
14 it's one of proof beyond a reasonable doubt? Do
15 you understand that the defendant does not need
16 to prove his innocence? He does not need to call
17 witness or present evidence on his own behalf.

18 A. Yes.

19 Q. If he chooses not to testify, you
20 understand that you may not consider that in any
21 way in arriving at your verdict?

22 A. Yes.

23 Q. If he does testify, you are to
24 evaluate his testimony by the same standards you

1 would the testimony of any other witness.

2 A. Yes.

3 Q. And you understand that it's the
4 State's burden to prove the defendant guilty
5 beyond a reasonable doubt?

6 A. Yes.

7 Q. And have you ever been a witness in a
8 criminal case?

9 A. No.

10 Q. Have you ever been a complainant?

11 A. No.

12 Q. Have you ever been accused?

13 A. No.

14 Q. And anybody close to you ever the
15 victim?

16 A. No.

17 Q. And do you have any close friends or
18 family who are involved in law enforcement?

19 A. No.

20 Q. If the State fails to prove the
21 defendant guilty beyond a reasonable doubt, would
22 you be able to return a verdict of not guilty?

23 A. Yes.

24 Q. If the State does proof the defendant

1 guilty beyond a reasonable doubt, would you be
2 able to sign a verdict form of guilty?

3 A. Yes.

4 Q. Thank you.

5 RYAN MIGAWA,
6 a prospective juror, having been first duly sworn
7 to answer questions, was examined as follows:

8 EXAMINATION

9 BY THE COURT:

10 Q. Sir, you live he have Hoffman Estates?

11 A. Yes.

12 Q. How long have you lived there?

13 A. Six months.

14 Q. And where did you live before that?

15 A. Arlington Heights.

16 Q. And can you tell us where you work,
17 what you do?

18 A. I work for F.E. Moran. I am a
19 draftsman.

20 Q. How long have you worked there?

21 A. Three years.

22 Q. Are you married?

23 A. Yes.

24 Q. What does your wife do?

1 A. Well, she is kind of a substitute
2 teacher but she is pregnant right now.

3 Q. Have you ever served on a jury?

4 A. No.

5 Q. Have you ever been the victim of a
6 crime?

7 A. No.

8 Q. Has anybody close to you ever been a
9 victim of a crime?

10 A. Yes.

11 Q. Have you ever been a witness or
12 complainant in a criminal case?

13 A. No.

14 Q. And you understand that the defendant
15 is presumed innocent of the charges that bring
16 him here?

17 A. Yes.

18 Q. And you understand he does not need to
19 prove his innocence or present any evidence on
20 his behalf?

21 A. Yes.

22 Q. And if he chooses not to testify, that
23 you not must not consider that in any way in
24 arriving at your verdicts?

1 A. Yes.

2 Q. If he does testify, that you would
3 evaluate his testimony in the same manner and by
4 the same standards you would the testimony of any
5 other witness?

6 A. Yes.

7 Q. You understand it is the State's
8 burden of proving the defendant guilty beyond a
9 reasonable doubt?

10 A. Yes.

11 Q. If the State fails to prove the
12 defendant guilty beyond a reasonable doubt, would
13 you be able to sign a verdict form of not guilty?

14 A. Yes.

15 Q. If they do prove him guilty beyond a
16 reasonable doubt, would you be able to sign a
17 verdict form of guilty?

18 A. Yes.

19 Q. And do you have any close friends or
20 family who are involved in law enforcement?

21 A. A friend of my wife's is a cop.

22 Q. What department, do you know?

23 A. He is in Chicago. I don't know what
24 district.

1 Q. Is there anything about your
2 relationship with that person that would affect
3 your ability to be a fair juror in this case?

4 A. No.

5 Q. Do you understand that simply because
6 someone is a police officer does not mean that
7 there testimony is entitled to any greater
8 believability or less believability? Do you
9 understand that?

10 A. Right.

11 LEYLA TOUMA,
12 a prospective juror, having been first duly sworn
13 to answer questions, was examined as follows:

14 EXAMINATION

15 BY THE COURT:

16 Q. You live in Chicago?

17 A. Yes.

18 Q. What part?

19 A. Wicker Park.

20 Q. How long have you lived there?

21 A. Three years.

22 Q. And can you tell us where you work,
23 what you do?

24 A. I work for an advertising agency, and

1 I am a creative director.

2 Q. And are you married?

3 A. No.

4 Q. You have a partner?

5 A. Yes, I'm engaged.

6 Q. And what does your partner do?

7 A. He is a graphic designer.

8 Q. Have you ever served on a jury?

9 A. No.

10 Q. Have you ever been the victim of a
11 crime?

12 A. Yes.

13 Q. Can you tell us about that?

14 A. I was attacked and sexually assaulted.

15 Q. How long ago was that?

16 A. Nine years.

17 Q. Sorry about that. Was somebody charged
18 in that incident?

19 A. Yes.

20 Q. Did that get resolved?

21 A. No, he left the country.

22 Q. I am very sorry. Would that
23 experience affect your ability to be a fair juror
24 in this case?

1 A. No.

2 Q. Would you be able to listen to the
3 evidence in this case and base a decision upon
4 what the evidence is in this case?

5 A. Yes.

6 Q. And if the State failed to prove the
7 defendant guilty beyond a reasonable doubt, would
8 you be able to sign a verdict form of not guilty?

9 A. Yes.

10 Q. And if they did prove him guilty
11 beyond a reasonable doubt, would you be able to
12 sign a verdict form of guilty?

13 A. Yes.

14 Q. And you understand that the defendant
15 is presumed innocent of the charges that bring
16 him here?

17 A. Yes.

18 Q. And that this is the State's burden to
19 prove him guilty beyond a reasonable doubt?

20 A. Yes.

21 Q. And do you understand that the
22 defendant does not need to call any witnesses or
23 present any evidence?

24 A. Yes.

1 Q. And if he chooses not to testify, that
2 you may not consider that in any way in arriving
3 at your verdict?

4 A. Yes.

5 Q. Do you have any close friends or
6 family in law enforcement?

7 A. No.

8 Q. And I am sorry to bring out that old
9 incident. That's obviously something that one
10 gets over, but you believe that would not affect
11 your ability to listen to this case?

12 A. Right.

13 THE COURT: Thank you.

14 STEVEN FOSTER,
15 a prospective juror, having been first duly sworn
16 to answer questions, was examined as follows:

17 EXAMINATION

18 BY THE COURT:

19 Q. You live in Evanston?

20 A. Yes.

21 Q. How long?

22 A. 35 years.

23 Q. And can you tell us where you work and
24 what you do?

1 A. New Trier High School, custodian.

2 Q. How long?

3 A. Six years.

4 Q. And are you married?

5 A. Married.

6 Q. What does your spouse do?

7 A. She doesn't work.

8 Q. And you have a one child?

9 A. Yes.

10 Q. And have you previously served on a

11 jury?

12 A. No, I went but didn't get picked.

13 Q. Have you ever been the victim of a

14 crime?

15 A. No.

16 Q. Anybody close to you ever the victim

17 of a crime?

18 A. No.

19 Q. Have you ever been a witness in a

20 criminal case?

21 A. No.

22 Q. And have you ever been accused of a

23 crime?

24 A. No.

1 Q. And do you understand the defendant is
2 presumed innocent of the charges that bring him
3 here?

4 A. Yes.

5 Q. And that it is the State's burden to
6 prove him guilty beyond a reasonable doubt?

7 A. Yes.

8 Q. And do you understand he does not need
9 to prove his innocence and does not need to call
10 any witnesses or present any evidence on his
11 behalf?

12 A. Yes.

13 Q. And you understand if he chooses not
14 to testify, that you must not consider that in
15 any way in arriving at your verdict?

16 A. Yes.

17 Q. And if he does testify, that you are
18 to evaluate his testimony in the same manner and
19 by the same standards you would the testimony of
20 any other witness?

21 A. Yes.

22 Q. Do you have any close friends or
23 family in law enforcement?

24 A. No.

1 Q. And if the State fails to prove the
2 defendant guilty beyond a reasonable doubt, would
3 you be able to sign a verdict form of not guilty?

4 A. Yes.

5 Q. And if the State does proof the
6 defendant guilty beyond a reasonable doubt, would
7 you be able to sign a verdict form of guilty?

8 A. Yes.

9 Q. Thank you.

10 CYNTHIA NOLAN,
11 a prospective juror, having been first duly sworn
12 to answer questions, was examined as follows:

13 EXAMINATION

14 BY THE COURT:

15 Q. Cynthia Nolan?

16 A. Yes.

17 Q. You live in Arlington Heights?

18 A. Yes.

19 Q. How long have you lived there?

20 A. 12 years.

21 Q. Can you tell us where you work, what
22 you do?

23 A. I work at a sales and marketing firm.
24 I am the accounting director.

1 Q. How long have you worked in that
2 capacity?

3 A. Six years.

4 Q. And your spouse, what does he do?

5 A. He is a public maintenance worker. He
6 works for the village.

7 Q. And you have 2 children. Are they
8 both in school?

9 A. One is in school. One is out on her
10 own.

11 Q. What does she do?

12 A. She works for an online university.
13 Don't ask me after that.

14 Q. Have you ever served on a jury?

15 A. No.

16 Q. Have you ever been the victim of a
17 crime?

18 A. No.

19 Q. Any close friends or family ever been
20 the victim of a crime?

21 A. My sister quite a while ago.

22 Q. Anything about what happened to her
23 that would affect your ability to be a fair
24 juror?

1 A. No.

2 Q. Have you ever been accused of a crime?

3 A. No.

4 Q. Ever a witness or complainant in a
5 criminal case?

6 A. No.

7 Q. And you understand that the defendant
8 is presumed innocent of the charges that bring
9 him here?

10 A. Yes.

11 Q. It is the State's burden to prove him
12 guilty beyond a reasonable doubt?

13 A. Yes.

14 Q. And do you understand that the
15 defendant does not need to prove his innocence
16 and does not need to call any witnesses or
17 presents any evidence?

18 A. Yes.

19 Q. If he chooses not to testify, you must
20 not consider that in any way in arriving at your
21 verdict?

22 A. Yes.

23 Q. And if he does testify, that you are
24 to evaluate his testimony in the same manner and

1 by the same standard you would evaluate the
2 testimony of any other witness?

3 A. Yes.

4 Q. And do you have any close friends or
5 family who are involved in law enforcement?

6 A. No.

7 Q. If the State fails to prove the
8 defendant guilty beyond a reasonable doubt, would
9 you be able to return a verdict of not guilty?

10 A. Yes.

11 Q. If the State does meet its burden of
12 proof beyond a reasonable doubt, would you be
13 able to sign verdict form of guilty?

14 A. Yes.

15 Q. Thank you.

16 TED KODAMA,
17 a prospective juror, having been first duly sworn
18 to answer questions, was examined as follows:

19 EXAMINATION

20 BY THE COURT:

21 Q. You live in Chicago?

22 A. Yes.

23 Q. What part?

24 A. North side.

1 Q. And how long have you lived there?

2 A. All my life.

3 Q. Can you tell us where you work, what
4 you do?

5 A. I work for a company, Craftsman
6 Plating and Tinning. It's a metal finishing job
7 shop. I am a manager.

8 Q. And you are married. What does your
9 spouse do?

10 A. She works in a dental office.

11 Q. You have one grown child?

12 A. Yes.

13 Q. What does he or she do?

14 A. He is a fireman in the City of
15 Chicago.

16 Q. Have you ever been a victim of a
17 crime?

18 A. Yes.

19 Q. Can you tell us about that?

20 A. I was broken into and robbed.

21 Q. How long ago?

22 A. While in college.

23 Q. And is there anything about that that
24 would affect your ability to be a fair juror in

1 this case?

2 A. I don't think so.

3 Q. Has anybody else close to you been the
4 victim of a crime?

5 A. I don't think so.

6 Q. And have you ever been a witness or
7 complainant in a criminal case?

8 A. No.

9 Q. Have you ever been accused of a crime?

10 A. No.

11 Q. Do you understand that the defendant
12 is presumed innocent of the charges that bring
13 him here?

14 A. Yes.

15 Q. And that this is the State's burden of
16 proving the defendant's guilt beyond a reasonable
17 doubt?

18 A. Yes.

19 Q. And do you understand that the
20 defendant does not need to prove his innocence,
21 does not need to call any witness or present any
22 evidence on his behalf?

23 A. Yes.

24 Q. And if he chooses not to testify, you

1 understand that you must not consider that in any
2 way in arriving at your verdict?

3 A. Yes.

4 Q. If he does testify, that you would
5 evaluate his testimony in the same manner and by
6 the same standards you would evaluate the
7 testimony of any other witness?

8 A. Yes.

9 Q. And do you have any close friends or
10 family involved in law enforcement?

11 A. Yes.

12 Q. Can you tell us about that?

13 A. A good number of my son's friends are
14 police officers.

15 Q. Anything about your relationship with
16 them that would affect your ability to be a fair
17 juror in this case?

18 A. I don't think so.

19 Q. If the State fails to prove the
20 defendant guilty beyond a reasonable doubt, would
21 you be able to return a verdict of not guilty?

22 A. Yes.

23 Q. And if the State does meet its burden
24 of proof beyond a reasonable doubt, would you be

1 able to sign a verdict form of guilty?

2 A. Yes.

3 THE COURT: Thank you.

4 ANNETTE DARIANO,
5 a prospective juror, having been first duly sworn
6 to answer questions, was examined as follows:

7 EXAMINATION

8 BY THE COURT:

9 Q. You live in Chicago?

10 A. Yes.

11 Q. What part?

12 A. Lincoln square.

13 Q. How long have you lived there?

14 A. 3 years.

15 Q. Can you tell us where you work, what
16 you do?

17 A. I work in a market research firm. I
18 don't have a job title. I do a little bit of
19 everything. It's my day job. I am also a film
20 maker.

21 Q. Is that freelance?

22 A. Yes.

23 Q. And you are single?

24 A. Yes.

1 Q. Have you ever served on a jury?

2 A. No.

3 Q. Have you ever been the victim of a
4 crime?

5 A. Yes.

6 Q. Can you tell us about that?

7 A. My car was broken into, and a lot of
8 things were stolen. My house was broken into,
9 and a lot of things were stolen.

10 Q. Was anybody apprehended or charged in
11 connection?

12 A. No, never found.

13 Q. How long ago?

14 A. The car was in college and the house
15 was probably '97.

16 Q. Is there anything about those
17 experiences that would affect your ability to be
18 a fair juror in this case?

19 A. I hope not because I think about them
20 and I am getting angry.

21 Q. Would you base your decision on the
22 evidence you hear from the witnesses and the
23 documents presented in this case?

24 A. Yes.

1 Q. Have you ever been a witness or
2 complainant in a criminal case?

3 A. No.

4 Q. Have you ever been accused of a crime?

5 A. No.

6 Q. Do you understand that the defendant
7 is presumed innocent of the charges?

8 A. Yes.

9 Q. And it is the State's burden of
10 proving the defendant's guilt beyond a reasonable
11 doubt?

12 A. Yes.

13 Q. Do you understand that the defendant
14 does not need to prove his innocence, does not
15 need to call witnesses or present evidence on his
16 behalf?

17 A. Yes.

18 Q. And do you understand if he chooses
19 not to testify, that you must not consider that
20 in any way in arriving at your verdict?

21 A. Yes.

22 Q. If he does testify, that you would
23 judge his testimony in the same manner and by the
24 same standards you judge the testimony of any

1 other witness?

2 A. Yes.

3 Q. And do you have any close friends or
4 family in law enforcement?

5 A. Yes.

6 Q. Who would they be?

7 A. Friend of mine. I don't know what
8 precinct he is in.

9 Q. Chicago Police Officer?

10 A. Yes.

11 Q. Is there anything about your
12 relationship with that person that would affect
13 your ability to be a fair juror in this case?

14 A. I don't think so.

15 Q. You understand that simply because
16 someone is a police officer, their testimony is
17 not to be given any greater or lesser weight, and
18 you are to evaluate the testimony of all the
19 witnesses in the same manner?

20 A. Yes.

21 Q. If the State fails to prove the
22 defendant guilty beyond a reasonable doubt, would
23 you be able to sign a verdict of not guilty?

24 A. Yes.

1 Q. If the State meets its burden of proof
2 beyond a reasonable doubt, would you be able to
3 sign a verdict of guilt?

4 A. Yes.

5 THE COURT: Thank you.

6 AMERICA FARAH,
7 a prospective juror, having been first duly sworn
8 to answer questions, was examined as follows:

9 EXAMINATION

10 BY THE COURT:

11 Q. You live in Chicago?

12 A. Yes.

13 Q. What part?

14 A. North side.

15 Q. How long have you lived there?

16 A. About 11 years.

17 Q. You are a housewife?

18 A. Yes.

19 Q. And you have one child?

20 A. Yes.

21 Q. Your husband, what does he do?

22 A. He is a store owner.

23 Q. Where?

24 A. He owns a store.

1 Q. What type of store?

2 A. Clothing store.

3 Q. And have you ever served on a jury?

4 A. I was never -- they didn't
5 deliberate. They reached an agreement.

6 Q. You were selected on a jury, but they
7 reached an agreement?

8 A. Yes.

9 Q. Did you hear any parts of the case?

10 A. No.

11 Q. You were selected and then they
12 settled the case?

13 A. Yes, they said they reached an
14 agreement and they dismissed us.

15 Q. Have you ever been the victim of a
16 crime?

17 A. Yes.

18 Q. Tell us what happened?

19 A. Well, it was a while ago. I was
20 robbed. I was a cashier and our car was broken
21 into in front of our house. My husband about ten
22 years ago was robbed at gunpoint.

23 Q. Is there anything about any of those
24 incidents that would affect your ability to be a

1 fair juror in this case?

2 A. I don't think so.

3 Q. Would you be able to listen to the
4 evidence in this case and base your decision upon
5 what you hear in this courtroom?

6 A. Yes.

7 Q. You understand that the defendant is
8 presumed innocent of the charges?

9 A. Yes.

10 Q. And that it is the State's burden of
11 proving the defendant's guilt beyond a reasonable
12 doubt?

13 A. Yes.

14 Q. You understand that the defendant does
15 not need to prove his innocence, does not need to
16 call any witnesses or present any evidence on his
17 own behalf?

18 A. Yes.

19 Q. And you understand if he chooses not
20 to testify, that you must not consider that in
21 any way in arriving at your verdict?

22 A. Yes.

23 Q. If he does testify, that you are to
24 evaluate his testimony in the same manner, by the

1 same standards you would the testimony of any
2 other witness?

3 A. Yes.

4 Q. And do you have any close friends or
5 family involved in law enforcement?

6 A. No.

7 Q. If the State fails to prove the
8 defendant guilty beyond a reasonable doubt, would
9 you be able to sign a verdict form of not guilty?

10 A. Yes.

11 Q. If they do meet their burden of proof
12 beyond a reasonable doubt, would you be able to
13 sign a verdict form of guilty?

14 A. Yes.

15 THE COURT: Thank you.

16 JOSEPH MIKLITSCH,
17 a prospective juror, having been first duly sworn
18 to answer questions, was examined as follows:

19 EXAMINATION

20 BY THE COURT:

21 Q. You live in Elgin?

22 A. Yes.

23 Q. How long have you lived in that area?

24 A. 7 years.

1 Q. And can you tell us what you do?

2 A. Police Officer for the city of Elgin.

3 Q. And how long have you been a police
4 officer?

5 A. 9 years.

6 Q. And are you married?

7 A. Yes.

8 Q. What does your spouse do?

9 A. A police officer.

10 Q. Also for Elgin?

11 A. No, South Elgin.

12 Q. Have you ever served on a jury?

13 A. No.

14 Q. Have you ever been the victim of a
15 crime?

16 A. Numerous times.

17 Q. And can you tell us about that?

18 A. Well, attempted burglary of my house.
19 Also many times when I am working, arresting
20 people, I'm getting punched, kicked, spit on.

21 Q. Do you believe you can be a fair juror
22 in this case?

23 A. I believe that I would probably start
24 out with preconceived ideas, to be honest with

1 you.

2 Q. I appreciate your candor. Thank you

3 KIM JUNG,

4 a prospective juror, having been first duly sworn
5 to answer questions, was examined as follows:

6 EXAMINATION

7 BY THE COURT:

8 Q. You live in Park Ridge?

9 A. Yes.

10 Q. And how long have you lived there?

11 A. 6 years.

12 Q. Can you tell us where you work, what
13 you do?

14 A. I work for Comcast and I do quality
15 assurance.

16 Q. And are you married?

17 A. Yes.

18 Q. What does your spouse do?

19 A. He is working for senior housing and
20 office rental.

21 Q. And have you ever served on a jury?

22 A. No.

23 Q. Have you ever been the victim of a
24 crime?

1 A. Well, I never thought about a car
2 broken as a crime, but yes, our car was broke in.

3 Q. And was anybody charged or apprehended
4 in connection with that?

5 A. No, we just heard there was some young
6 kids broke into the garage. We read it in the
7 newspaper but didn't know how it happened.

8 Q. Is there anything about that
9 experience that would affect your ability to be a
10 fair juror in this case?

11 A. I don't think so.

12 Q. Is there any or instance where you or
13 someone close to you has been the victim of a
14 crime?

15 A. My little brother used to be in a
16 business, and the store was getting robbed and my
17 cousin. Most of the people around me have a
18 store. So most of the Christmas time, little
19 small things happen.

20 Q. Would that affect your ability to be a
21 fair juror in this case?

22 A. I don't think so.

23 Q. Have you ever been a witness or
24 complainant in a criminal case?

1 A. No.

2 Q. Have you ever been accused of a crime?

3 A. No.

4 Q. You understand that the defendant here
5 is presumed innocent of the charges that are
6 brought here?

7 A. Yes.

8 Q. You understand that it's the State's
9 burden of proving him guilty beyond a reasonable
10 doubt?

11 A. Yes.

12 Q. And you understand the defendant does
13 not have to prove his innocence, does not need to
14 call witnesses in or present evidence on his
15 behalf?

16 A. Yes.

17 Q. If he chooses not to testify, you must
18 not consider that in any way in arriving at your
19 verdict?

20 A. Yes.

21 Q. If he does testify, that you are to
22 evaluate his testimony in the same manner and by
23 the same standards you would the testimony of any
24 other witness?

1 A. Yes.

2 Q. You have to answer out loud?

3 A. Yes.

4 Q. And do you have any close friends or
5 family involved in law enforcement?

6 A. No.

7 Q. And if the State fails to prove the
8 defendant guilty beyond a reasonable doubt, would
9 you be able to sign a verdict of not guilty?

10 A. I guess that's the law here that you
11 have to follow.

12 Q. So you will be instructed that the if
13 State fails to meet its burden of proof beyond a
14 reasonable doubt, that you should sign a verdict
15 form of not guilty?

16 A. Right.

17 Q. If the State does meet its burden of
18 proof beyond a reasonable doubt, that you should
19 sign a verdict form of guilty. Would you be able
20 to follow that?

21 A. Well, to be very honest, I am not
22 familiar with the situation since I grow up in
23 different culture. Our system was not like you
24 have to prove. There's a different system but if

1 that was the guideline, I can follow.

2 Q. You obviously don't know what you are
3 going to hear and what the evidence is going to
4 be, and you are not going to receive the Court's
5 instruction on the law until the end of the
6 case. But if you are sworn in as a juror in this
7 case, you will take an oath and you will raise
8 your right happened and swear that you will apply
9 the law to the facts of the case?

10 A. If that's the guideline to follow,
11 then I would follow them.

12 Q. That is the guideline. The burden is
13 one of beyond a reasonable doubt. If the State
14 meets that burden, then you will be instructed to
15 enter a finding of guilty. If the State fails to
16 meet that burden, then you will be instructed to
17 enter a verdict of not guilty?

18 A. Okay.

19 Q. Would you have any difficulty
20 following those instructions?

21 A. I will follow.

22 THE COURT: Thank you. Then at this time we
23 are going to take a short recess. I am going to
24 meet with Mr. Griffin and the attorneys so I am

1 going to ask all of you to step out in the
2 hallway and take with you your personal
3 belongings. There's a rest room you can use. We
4 will call you back in.

5 (The following proceedings were had
6 out of the presence and hearing of
7 the jury:)

8 THE COURT: Each of you do have the right to
9 question these jurors further if you wish. Do
10 you wish to ask any additional questions of the
11 jurors, Mr. Griffin?

12 THE DEFENDANT: No.

13 THE COURT: State do you wish to?

14 MS. CALLAS: No.

15 THE COURT: At this time there was a couple
16 jurors who I think we need to address for cause
17 challenges. The first was Miss Vega who said she
18 doesn't understand English, so I did not question
19 her very extensively. If there is no objection
20 from either side, I will excuse her for cause.

21 MS. CALLAS: No objection.

22 THE DEFENDANT: I am satisfied, your Honor,
23 with it.

24 THE COURT: She doesn't understand English.

1 THE DEFENDANT: I am satisfied she
2 understands. She will be able to understand
3 witness.

4 THE COURT: The number 3 juror, the third
5 lady?

6 THE DEFENDANT: Yes, I know, the Spanish
7 lady, yes.

8 THE COURT: You believe she can understand?

9 THE DEFENDANT: Yes.

10 THE COURT: Then I am going to have to
11 question her further because she told me --

12 THE DEFENDANT: She speaks Spanish.

13 THE COURT: But the testimony is going to be
14 in English?

15 THE DEFENDANT: I know.

16 THE COURT: What about Mr. Burke who is
17 getting married?

18 THE DEFENDANT: Yes, I am satisfied with the
19 jury.

20 MS. CALLAS: Judge, we are going to strike
21 Mr. Burke as our peremptory. We will also strike
22 Miss Vega as our peremptory.

23 THE COURT: Then I am going to present the
24 first 4 jurors. We are going to accept in panels

1 of 4. The first is Carlisle Rex-Waller, Kimberly
2 Condon. Then the next juror would be David
3 Burke, and the State is going to excuse him.
4 Then that moves no the next juror, Frank Patzke
5 and Ryan Migawa.

6 MS. CALLAS: We are satisfied.

7 THE COURT: Would you accept this first 4?

8 THE DEFENDANT: Yes.

9 THE COURT: So those are our first 4. Then
10 the next group of 4 is Leyla Touma, Steven
11 Foster, Cynthia Nolan, Ted Kodama. Do you accept
12 that 4?

13 THE DEFENDANT: Yes.

14 THE COURT: State?

15 MS. CALLAS: We accept that 4.

16 THE COURT: Then the next 4 are Annette
17 Dariano, America Farah, Joseph Miklitsch and Jung
18 Kim.

19 MS. CALLAS: Judge, we accept that panel.

20 THE COURT: Mr. Griffin?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. So we have 12 jurors.
23 Mr. Miklitsch is an Elgin police officer.

24 THE DEFENDANT: Yes.

1 THE COURT: You are accepting him?

2 THE DEFENDANT: Yes.

3 THE COURT: I am going to excuse him for
4 cause because he told me he did not believe that
5 he could be fair in cases involving police
6 officers, and he is an Elgin police officer. He
7 said he would have some preconceived -- I am
8 going to excuse him.

9 THE DEFENDANT: I accepted him.

10 THE COURT: I understand that, sir. We have
11 11 jurors. We are going to need 3 more jurors.
12 Why don't we take 2 minutes and then bring the
13 jurors back in. I will have the 11 jurors who
14 are selected retire to the jury room. I can
15 dismiss these few and call more jurors in for
16 questioning. We will keep the 11 out here.

17 How many all the nets do you want?

18 THE COURT: 2.

19 THE COURT: Maybe we will do 3 because of
20 the snow.

21 MS. CALLAS: Sure.

22 THE COURT: All right.

23 (The following proceedings were had
24 in the presence and hearing of

1 the jury:)

2 THE COURT: Some of you are going to be
3 excused. I do thank you for your service.
4 Everyone of you are important. If you weren't
5 all here today on this snowy day, we wouldn't be
6 able to pick a jury.

7 Mr. Burke, congratulations, good luck
8 and you are excused.

9 Miss Vega and Joseph Miklitsch, the 3
10 of are you excused at this time. If the jurors
11 would just move down and the clerk will call 3
12 additional jurors.

13 THE CLERK: Sydney Weiner, Joseph Aichinger,
14 and Beth Augustyn.

15 SYDNEY WEINER,
16 a prospective juror, having been first duly sworn
17 to answer questions, was examined as follows:

18 EXAMINATION

19 BY THE COURT:

20 Q. You live in Skokie?

21 A. Yes, 30 years.

22 Q. You are retired. Where did you work?

23 A. I had a small scrap company.

24 Q. And your spouse, is she working or

1 retired?

2 A. She is works part-time at a market
3 research company.

4 Q. And you have 3 grown children?

5 A. Yes.

6 Q. What do they do?

7 A. One is a dental hygienist. One is a
8 male nurse, and the other is in the moving
9 business.

10 Q. And have you ever served on a jury?

11 A. Many years ago. It was with a short
12 case.

13 Q. And you understand that the defendant
14 in this case is presumed innocent of the charges
15 that bring him here?

16 A. Yes.

17 Q. And you understand that he does not
18 need to prove his innocence, does not need to
19 present any witnesses or call any witnesses?

20 A. Yes.

21 Q. And do you understand it is the
22 State's burden to prove the defendant guilty
23 beyond a reasonable doubt?

24 A. Yes.

1 Q. And if the State fails to prove the
2 defendant guilty beyond a reasonable doubt, he
3 does not need to testify on his own behalf if he
4 chooses not to testify. You must not consider
5 that in any way in arriving at your verdict?

6 A. I do.

7 Q. And if he does testify, you understand
8 that you are to evaluate his testimony in the
9 same manner and by the same standards you would
10 the testimony of any other witness?

11 A. Yes.

12 Q. And have you ever been a victim in a
13 crime?

14 A. Yes.

15 Q. Can you tell us about that?

16 A. Numerous times, armed robbery.

17 Q. How long ago?

18 A. About 15 years ago.

19 Q. And was anybody apprehended or
20 charged?

21 A. Never.

22 Q. And is there anything about that
23 experience that would affect your ability to be a
24 fair juror in this case?

1 A. I hope not.

2 Q. Would you be able to base your
3 decision on the evidence you hear in this
4 courtroom?

5 A. I believe so.

6 Q. And if the State fails to prove the
7 defendant guilty beyond a reasonable doubt, would
8 you be able to sign a verdict form of not guilty?

9 A. I believe so.

10 Q. And if the State proves the defendant
11 guilty beyond a reasonable doubt, would you be
12 able to sign a verdict form of guilty?

13 A. I believe so.

14 Q. And have you ever been accused of a
15 crime?

16 A. No.

17 Q. Have you ever been a witness other
18 than what you have already described or a
19 complainant?

20 A. No.

21 Q. And do you have any close friends or
22 family involved in law enforcement?

23 A. Close friend is a Skokie police
24 officer.

1 Q. And is there anything about your
2 relationship with that friend that would affect
3 your ability to be a fair juror in this case?

4 A. I don't think so.

5 JOSEPH AICHINGER,
6 a prospective juror, having been first duly sworn
7 to answer questions, was examined as follows:

8 EXAMINATION

9 BY THE COURT:

10 Q. You live in Arlington Heights?

11 A. Yes.

12 Q. And how long have you lived in that
13 area?

14 A. 18 years.

15 Q. And you are retired as well. Where
16 did you work before?

17 A. Commonwealth Edison.

18 Q. And your spouse, where did she work?

19 A. A bank.

20 Q. You have 2 grown children. What do
21 they do?

22 A. Computers.

23 Q. Have you ever served on a jury?

24 A. 4 times; 1 civil, 3 criminal.

1 Q. You understand the burden of proof?

2 A. Yes.

3 Q. It's the State's burden to prove the
4 defendant guilty beyond a reasonable doubt?

5 A. Yes.

6 Q. And that the defendant does not need
7 to call any witnesses or present any evidence?

8 A. Right.

9 Q. You also know that I need to ask these
10 questions.

11 A. Yes.

12 Q. And you understand that if the
13 defendant chooses not to testify, that you may
14 not consider that in arriving at your verdict?
15 If he does testify, that you are to evaluate his
16 testimony in the same manner and by the same
17 standards you would the testimony of any other
18 witness?

19 A. Yes.

20 Q. So you understand the presumption of
21 innocence. Have you ever been the victim of a
22 crime?

23 A. No.

24 Q. Has anybody close to you ever been?

1 A. My wife had her wallet stolen about
2 ten years ago.

3 Q. I take it that would not affect your
4 ability to be a fair juror?

5 A. No.

6 Q. And have you ever been accused of a
7 crime?

8 A. No.

9 Q. And ever a witness or complainant in a
10 criminal case?

11 A. No.

12 Q. And any close friends or family
13 involved in law enforcement.

14 A. I have a nephew who is a Rosemont
15 detective. My neighbor is a deputy in Des
16 Plaines. I got a retired buddy who is a Chicago
17 police officer.

18 Q. Would your relationship with those
19 people affect your ability to be fair and
20 impartial juror?

21 A. No.

22 Q. Do you understand that simply because
23 someone is a sworn officer, that they are not
24 entitled to any greater believability or less

1 believability?

2 A. Yes.

3 BETH AUGUSTYN,
4 a prospective juror, having been first duly sworn
5 to answer questions, was examined as follows:

6 EXAMINATION

7 BY THE COURT:

8 Q. You live in Chicago?

9 A. Yes.

10 Q. And what part?

11 A. Lake View.

12 Q. How long?

13 A. 4 years.

14 Q. Can you tell us where you work and
15 what you do?

16 A. I am a nurse practitioner. I work in
17 a group of pulmonologists.

18 Q. You are single?

19 A. Yes.

20 Q. Have you ever served on a jury?

21 A. No.

22 Q. Have you ever been the victim of a
23 crime?

24 A. No.

1 Q. Has anybody close to you ever been the
2 victim of a crime?

3 A. No.

4 Q. Ever been accused of a crime?

5 A. No.

6 Q. Ever been a witness or complainant in
7 a criminal case?

8 A. No.

9 Q. And you understand that the defendant
10 is presumed innocent of the charges?

11 A. Yes.

12 Q. And that it is the State's burden to
13 prove the defendant guilty beyond a reasonable
14 doubt?

15 A. Yes.

16 Q. And do you understand that the
17 defendant does not need to prove his innocence,
18 does not need to call any witness or present any
19 evidence on his behalf?

20 A. Yes.

21 Q. And do you understand that if the
22 defendant chooses not to testify, that you may
23 not consider that in any way in arriving at a
24 verdict?

1 A. Yes.

2 Q. And if he does testify, that you are
3 to evaluate his testimony in the same manner and
4 by the same standards you would the testimony of
5 any other witness?

6 A. Yes.

7 Q. And do you have any close friends or
8 family who are involved in law enforcement?

9 A. No.

10 Q. If the State fails to prove the
11 defendant guilty Beyond a reasonable doubt, would
12 you be able to sign a verdict form of not guilty?

13 A. Yes.

14 Q. And if the State meets its burden of
15 proof beyond a reasonable doubt, would you be
16 able to return a verdict form of guilty?

17 A. Yes.

18 THE COURT: Any additional questions of these
19 jurors?

20 MS. CALLAS: No.

21 THE COURT: Mr. Griffin, any additional
22 questions?

23 THE DEFENDANT: No.

24 THE COURT: I am going to ask the clerk to

1 call one more juror for questioning.

2 THE CLERK: Daniel Crowe.

3 DANIEL CROWE,
4 a prospective juror, having been first duly sworn
5 to answer questions, was examined as follows:

6 EXAMINATION

7 BY THE COURT:

8 Q. Mr. Crowe, you live in Chicago?

9 A. Yes, north side.

10 Q. How long have you lived there?

11 A. 18 years.

12 Q. And can you tell us where you work and
13 what you do?

14 A. I am a field inspector for Cook County
15 Assessor's office.

16 Q. And what do you do?

17 A. I measure buildings to determine the
18 square footage, usage, things like that.

19 Q. And what's your marital status?

20 A. Married.

21 Q. Does your wife work?

22 A. No, she is retired.

23 Q. What did she do?

24 A. She used to work in nursing.

1 Q. And have you ever served on a jury?

2 A. No.

3 Q. And have you ever been the victim of a
4 crime?

5 A. No.

6 Q. Has anybody close to you ever been the
7 victim of a crime?

8 A. No.

9 Q. Have you ever been accused of a crime?

10 A. No.

11 Q. Ever a witness or complainant in a
12 criminal case?

13 A. No.

14 Q. Do you understand that the defendant
15 is presumed innocent of the charges?

16 A. Yes.

17 Q. And that it is the State's burden to
18 prove the defendant's guilt beyond a reasonable
19 doubt?

20 A. I understand that.

21 Q. You understand that the defendant does
22 not need to prove his innocence, does not need to
23 call witnesses or present any evidence on his own
24 behalf?

1 A. Yes.

2 Q. Do you understand that if the
3 defendant chooses not to testify, you must not
4 consider that in any way in arriving at your
5 verdict?

6 A. Yes.

7 Q. If he does testify, you understand you
8 are to evaluate his testimony in the same manner
9 you would the testimony of any other witness?

10 A. Yes.

11 Q. Do you have any close friends or
12 family involved in law enforcement?

13 A. No.

14 Q. If the State fails to meet their
15 burden of proof beyond a reasonable doubt, would
16 you be able to sign a verdict form of not guilty?

17 A. Yes, I could.

18 Q. If the State does prove the defendant
19 guilty beyond a reasonable doubt, would you be
20 able to sign a verdict form of guilty?

21 A. Yes.

22 THE COURT: Any additional questions of any
23 of the additional jurors?

24 MS. CALLAS: No.

1 THE COURT: Mr. Griffin?

2 THE DEFENDANT: No, I am satisfied with the
3 jury.

4 THE COURT: I will take a short recess. We
5 will have the jury step out into the hall.

6 (The following proceedings were had
7 out of the presence and hearing of
8 the jury:)

9 THE COURT: When we last broke, had we
10 accepted the last panel and Annette Dariano?

11 MS. CALLAS: We hadn't accepted that yet.
12 We needed a fourth.

13 THE COURT: America Farah, Jung Kim. The
14 next juror would be Sydney Weiner.

15 MS. CALLAS: The People accept.

16 THE DEFENDANT: I accept.

17 THE COURT: So that is the 12 jurors. The
18 first alternate would be Joseph Aichinger. Do
19 you accept that juror?

20 MS. CALLAS: Accept.

21 THE DEFENDANT: I accept it.

22 THE COURT: Mr. Aichinger is our first
23 alternate. The second alternate is Beth
24 Augustyn.

1 MS. CALLAS: People accept.

2 THE DEFENDANT: I accept.

3 THE COURT: And in light of the weather, I
4 am going to select a third alternate. The third
5 would be Daniel Crowe.

6 MS. CALLAS: People accept.

7 THE DEFENDANT: Accept.

8 THE COURT: We have a jury. In terms of our
9 schedule, I know we selected this jury quicker
10 than I had anticipated. In light of the weather
11 today, I don't know if the State has any
12 witnesses. They were here earlier.

13 MS. CALLAS: We expected the jury selection
14 to last throughout the day. In light of the
15 weather, they have been instructed to come back
16 tomorrow morning.

17 THE COURT: I am going to ask the jury to
18 come back at 11:00 o'clock. We will work
19 straight through. There's a good chance we might
20 get this case to the jury tomorrow.

21 MS. CALLAS: We have a conflict. We need
22 about 45 minutes between 12:30 and 1:30, but the
23 jury can go to lunch then.

24 THE COURT: There's a death one of their

1 fellow State's Attorney's at lunch time. We will
2 make arrangements for that as well. So we will
3 begin with opening statements and go to the
4 evidence. What about jury instructions.

5 MS. CALLAS: They are prepared. We will
6 present them. We can have a conference at the
7 close of the case.

8 THE COURT: You will get a copy of those to
9 Mr. Griffin.

10 MS. CALLAS: We will give him a copy at the
11 close. When would you like us to give him a
12 copy?

13 THE COURT: If you have them today. If not,
14 in the morning. As soon as you have them, you
15 can make them available to him.

16 MS. CALLAS: Just so the defendant
17 understands, there's 2 instructions. One is if
18 you do testify and the other is if you don't. We
19 will give you both. One or the other will be
20 presented depending on whether you are going to
21 testify.

22 THE DEFENDANT: Okay.

23 THE COURT: Let's bring the jurors back in.

24 (The following proceedings were had

1 in of the presence and hearing of
2 the jury:)

3 THE COURT: We do have a jury selected.
4 Those of you who are seated in the jury box have
5 been selected as jurors on this case. Let me
6 first address those of you seated in the back. I
7 thank you for your service. It is very important
8 to have all of you here because otherwise we
9 cannot proceed with jury selection if we don't
10 have all of you here. If you will go with the
11 deputy, he will give you further instruction, but
12 thank you very much for your time and presence
13 here today.

14 For those of you seated in the jury
15 box, you have been selected as jurors in this
16 case. We were able to select this jury a little
17 quicker than anticipated. In light of the
18 weather, I am going to let you go home at this
19 time. I am going to ask that you are back here
20 tomorrow at 11:00 o'clock. I do have cases up in
21 the morning. Hopefully the roads will be clear
22 and you will be able to get here by 11:00
23 o'clock. We will provide lunch for you
24 tomorrow. I won't comment on the quality of the

1 lunch, but lunch will be provided for you, so you
2 won't have to go out during lunch. We will try
3 to move the case as best we can tomorrow.

4 Like I said, there's a chance the case
5 will go to Friday. There's a slight chance that
6 you may have the case tomorrow to deliberate.
7 When we begin the case tomorrow, we will begin
8 with opening statements. Each side will have an
9 opportunity to give an opening statement if they
10 choose and tell you what they believe the
11 evidence in the case will be.

12 Then the State has the burden of proof
13 as you have heard repeatedly here today. They
14 have an opportunity to present their evidence to
15 you. Once the State rests, the defense has an
16 opportunity to either rest and rely on the
17 State's inability to prove their case or to
18 present evidence. After you have heard from both
19 sides, you will then hear closing arguments, if
20 the parties wish to make closing arguments. I
21 will then instruct you on the law that you are to
22 apply to the case. Then the case will be yours
23 to deliberate.

24 You will receive a copy of the

1 instructions on the law when you go back to the
2 jury room. We haven't begun to receive any
3 evidence or to hear any testimony here today, but
4 once you do, it's critical that you not discuss
5 the case with anyone until after your
6 deliberations. The reason for that is simple,
7 you are going to listen to witnesses, you are
8 going to observe that person testifying. You are
9 doing yourself a disservice if you try to bounce
10 your ideas off somebody else. You are the one
11 who has been selected as a juror. You are the
12 one to decide the case based upon the evidence
13 you receive in this courtroom.

14 So once you are sworn as jurors in
15 this case, you are not to discuss this case with
16 anyone until you have reached a verdict. Also if
17 you happen to run into somebody involved in the
18 case, nobody should be talking to you about this
19 case. Hopefully you will all be able to get here
20 without trouble tomorrow by 11:00 o'clock. Also
21 I am asking that they each receive the phone
22 number. Take a copy of the courtroom phone
23 number because we can't begin without all of you
24 here. I know I had one incident where we were

1 waiting for jurors for several hours. One juror
2 had a flat tire. Ever since then I have told
3 jurors if there's a problem, please call. At
4 least we know what the circumstances are.

5 When you come in tomorrow, go to the
6 jury room downstairs where you came today. Tell
7 them you have been selected as a juror in my
8 courtroom. They will gather you together, then
9 bring you up to the jury room behind my courtroom
10 because I will have other cases going on prior to
11 this.

12 With that, have a good evening. You
13 all have the courtroom phone number. The deputy
14 is going to give it to you before you leave. The
15 deputy has the phone number for you. So just
16 take that in the event of any emergency.
17 Everybody have a good evening. We will see you
18 tomorrow at 11:00. Go to the jury room
19 downstairs and they will bring you up.

20 Anything further today, Mr. Griffin?

21 THE DEFENDANT: No, ma'am, I am ready.

22 THE COURT: As soon as the State has those
23 instructions, they will make them available to
24 you.

1 MS. SCHULTZ: How long is he going to be here
2 today? I can have them shortly.

3 THE COURT: You can ask the deputies. If he
4 is here, you can get them to him.

5 MS. CALLAS: May we inquire if it's
6 Mr. Griffin's decision to wear his Department of
7 Corrections clothing or if he would like to be
8 brought civilian clothes.

9 THE COURT: Do you want to be brought in
10 civilian clothes?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: You also know, I explained that
13 civilian clothes would be available through the
14 Public Defender's office.

15 THE DEFENDANT: I don't need them.

16 THE COURT: You don't wish to take avail of
17 those?

18 THE DEFENDANT: No, thank you.

19

20 (The above-entitled cause was
21 adjourned to January 6, 2005.)

22

23

24

1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF C O O K)

4

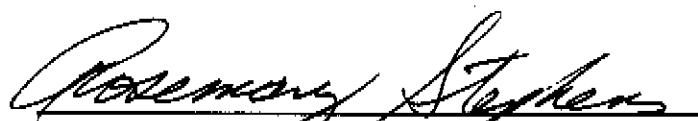
5 I, ROSEMARY STEPHENS, an Official Court
6 Reporter of the Circuit Court of Cook County, do
7 hereby certify that I reported in shorthand the
8 proceedings had on the hearing in the
9 aforementioned cause; that I thereafter caused
10 the foregoing to be transcribed into typewriting,
11 which I hereby certify to be a true and accurate
12 transcript of the report of Proceedings had
13 before the Honorable Sharon Sullivan, Judge of
14 said court.

15

16

17

18


Rosemary Stephens,
Official Court Reporter

19

20

21

22 Dated this 23rd day of June, 2005.

23

24